

**Minutes of Public Meeting of the
Constable Ethics, Standards and Training Board
June 17, 2015**

A public meeting of the Constables Ethics, Standards and Training Board (CESTB) was convened on June 17, 2015 at 10:10 am at the offices of Capitol Consulting 818 North First Street Phoenix, AZ 85004. Present at the meeting were the following members of the CESTB - Constable Scott Tipton, Constable Ken Sumner and Constable Brandon Schmoll. Present via teleconference was the following member of the CESTB - Constable Mike Cobb, Stuart Goodman, Dan Field and Christine Shipley. The following staff were present – Tracy Unmacht. Absent were the following members of the CESTB – Judge Gerald Williams and Sheriff John Drum. Members of the public present were - Constable Phil Hazlett, Constable Ron Myers, and Rebecca Dial.

The following matters were discussed, considered and decided at the meeting:

Minutes of Previous Meetings: Constable Sumner made a motion to approve the minutes from the May 20, 2015 CESTB meeting. Constable Schmoll seconded the motion. The motion carried unanimously.

Financial Report: Chairman Tipton presented the financial report prepared by the Department of Administration for the month ending May 2015. We've received the backlog of reports from DOA. One deposit was missing from the May report, DOA has been contacted and indicated a keying error on their part. The deposit will be reflected in the June report. Constable Sumner made a motion to approve to approve the financial report. Stuart Goodman seconded the motion. The motion carried unanimously.

Budget:

The budget was discussed. Staff has submitted a request to IT for a quote to add a training database but has not yet received the quote. Staff pointed out the need to add line items to the expenditure details for board member expense reimbursements and hiring investigators.

Constable Sumner made a motion to approve the budget with the addition of the line items presented by staff. Constable Schmoll seconded the motion. The motion carried unanimously.

Constable Complaints:

Chairman Tipton reported that the rural subcommittee met on June 3, 2015 to discuss open complaints.

CNA145-2015 – Clark, CNA146-2015 – Clark, CNA155-2015 – Clark, CNA157-2015 - Clark: Constable Tipton reviewed the subcommittee discussion about these complaints. Constable Clark has not provided consistent complete answers to all of the questions the CESTB has requested regarding these complaints that all pertain to the events on July 7, 2014. The chair will hire a private investigator to interrogate Constable Clark.

CNA156-2015 - Clark: Constable Tipton outlined the complaint to the board and reported the subcommittee recommended dismissing this complaint. Constable Schmoll made a motion to dismiss the complaint, Constable Sumner seconded the motion. Discussion: none. The motion carried unanimously.

CNA158-2015 - Clark: Constable Tipton outlined the complaint to the board and reported the subcommittee recommended dismissing this complaint. Constable Schmoll made a motion to dismiss the complaint, Constable Sumner seconded the motion. Discussion: none. The motion carried unanimously.

CNA143-2015 – Coplan: Constable Tipton outlined the complaint to the board and reported the subcommittee recommended dismissing this complaint. Constable Sumner made a motion to dismiss the complaint, Constable Schmoll seconded the motion. Discussion: none. The motion carried unanimously.

CNA148-2015 – Freestone: Constable Tipton outlined the complaint to the board and reported the subcommittee recommended issuing a warning for this complaint. Constable Freestone completed 15 of the 16 required hours of training in 2014. Following the subcommittee meeting, the CESTB received training certificates from Constable Freestone, however, they were not valid as they did not indicate when the training was completed, and they were received well after the time allotted to the Constable. Constable Schmoll asked for clarification of the dates since the original letters of request for response from the Constable were returned as undeliverable to the CESTB. Staff reported that Constable Freestone had all of the returned documents by April 3. Standard policy as indicated in the letter allows 20 days for a response, which would have required a response by April 24th. Constable Freestone did not forward the certificates until June 11th. Constable Sumner made a motion to issue a warning for the complaint, Christine Shipley seconded the motion. Discussion: none. The motion carried unanimously.

CNA149-2015 - Gamez: Constable Tipton outlined the complaint to the board and reported the subcommittee recommended issuing an admonishment for this complaint. Constable Gamez completed 0 hours of training in 2014. Constable Sumner made a motion to issue an admonishment for this complaint, Constable Schmoll seconded the motion. Discussion: none. The motion carried unanimously.

CNA150-2015 – C. Hazlett: Constable Tipton outlined the complaint to the board and reported the subcommittee make a contingent motion to recommend to the CESTB board that an admonishment be issued if no previous complaint history is found, or a reprimand if previous complaint history is found. Staff confirmed Constable Hazlett received a letter of censure from a previous complaint. Constable Sumner made a motion to issue reprimand to Constable Hazlett for this complaint, Stuart Goodman seconded the motion. Discussion: none. The motion carried unanimously.

CNA151-2015 – Ligocki-Russell: Constable Tipton outlined the complaint to the board and reported the subcommittee recommended issuing an admonishment for this complaint. Constable Sumner made a motion to issue an admonishment to Constable Russell for this complaint, Constable Schmoll seconded the motion. Discussion: none. The motion carried unanimously.

At this point in the meeting Constable Tipton turned control of the meeting over to Constable Sumner and recused himself of discussion of complaints against Constable Malles.

CNA152-2015 - Malles: Constable Sumner outlined the complaint to the board and reported the subcommittee recommended dismissing this complaint. Constable Schmoll made a motion to dismiss this complaint, Constable Cobb seconded the motion. Discussion: none. The motion carried with Constable Tipton abstaining.

CNA159-2015 - Malles: Constable Sumner outlined the complaint to the board and reported the subcommittee recommended issuing a warning for this complaint. Constable Cobb made a motion to issue a verbal warning for this complaint, Christine Shipley seconded the motion. Discussion: none. The motion carried with Constable Tipton abstaining.

CNA161-2014 - Malles: Constable Sumner outlined the complaint to the board and reported the subcommittee recommended dismissing this complaint. Constable Schmoll made a motion to dismiss this complaint, Christine Spivey seconded the motion. Discussion: none. The motion carried with Constable Tipton abstaining.

At this point in the meeting Constable Tipton resumed control of the meeting.

CNA153-2015 - Munoz: Constable Tipton outlined the complaint to the board and reported the subcommittee recommended issuing a reprimand for this complaint. Constable Sumner made a motion to issue a reprimand for this complaint, Constable Schmoll seconded the motion. Discussion: none. The motion carried unanimously.

CNA160-2015 – Munoz & CNA162-2015 - Munoz: Constable Tipton outlined the complaints to the board and reported the subcommittee recommended issuing a reprimand for both complaints as they were similar in nature. Constable Schmoll pointed out in CNA160-2015 Constable Munoz responded to the complaint that he needed the complainant to provide specific case numbers referenced in the complaint in order to respond properly. The subcommittee felt that Constable Munoz had enough information in the complaint that he could have looked in his logs to determine the case numbers. Some Board members disagreed and suggested Constable Munoz be provided with that information from the complainant. Constable Sumner made a motion to table a decision on CNA160-2015 and request the complainant provide additional information, Constable Schmoll seconded the motion. Discussion: Constable Cobb pointed out Constable Munoz past history and the recent decision by the presiding Judge against Munoz as rationale for recommending the reprimand, closing the case and moving on. Motion carried with 1 opposed.

Constable Sumner made a motion to issue a reprimand for CNA162-2015. Constable Cobb seconded the motion. Discussion: none. Motion carried with 1 opposed.

CNA154-2015 - Spurlock: Constable Tipton outlined the complaint to the board and reported the subcommittee requested staff continue trying to reach the constable regarding this issue.

Administration Report: Staff requested the new Board members submit a short bio for posting on the website. Staff has also submitted technical service request for a quote to add training database capability, and ability to add past minutes to the website. Staff has received a large amount of information on Constable Acton, which is too large to email. A Dropbox account has been set up and staff will send the board a link to retrieve the documents.

Call to the Public:

Constable Phil Hazlett provided public comment complimenting the CESTB and requesting they put forth their own legislation.

The next Board meeting is scheduled for Wednesday July 15, 2015 at 10:00 am

Adjournment: Constable Sumner made a motion to adjourn the meeting. Constable Schmoll seconded the motion. The motion carried unanimously. Meeting was adjourned at 11:28 am.

Dated this 15th day of July, 2015

Constable Ethics, Standards and Training Board

1



Chairman Scott Tipton